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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MAXIMILIAN KLEIN, et al., on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

FACEBOOK, INC.,

Defendant.

Case No. 20-CV-08570-LHK (VKD)

Hon. Virginia K. DeMarchi

CLASS ACTION

**DECLARATION OF BRIAN J. DUNNE IN
SUPPORT OF ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL
SHOULD BE SEALED**

1 I, Brian J. Dunne, declare and state as follows:

2 1. I am an attorney licensed in the State of California and admitted to the United States
3 District Court for the Northern District of California. I am an attorney at Bathae Dunne LLP, Interim
4 Co-Lead Counsel for the Advertiser Plaintiffs (collectively, "Submitting Party") in the above-captioned
5 matter. I have personal knowledge of the facts set forth herein and, if called as a witness, could and
6 would testify competently to them.

7 2. This declaration is made in support of Plaintiffs' Administrative Motion to Consider
8 Whether Another Party's Material Should Be Sealed in connection with Plaintiffs' concurrently filed
9 Opening Brief Regarding Facebook, Inc.'s August 20, 2021 Clawback Notice.

10 3. Attached hereto as Exhibit 1 is the Opening Brief in redacted form. Civil L.R. 79-
11 5(d)(1)(C).

12 4. Attached hereto as Exhibit 2 is the Opening Brief in unredacted form. The portions of
13 the document sought to be sealed are highlighted. Civil L.R. 79-5(d)(1)(D).

14 5. Attached hereto as Exhibit 3 is Ex. B to the Opening Brief (Facebook's Aug. 20, 2021
15 Supplemental Privilege Log).

16 6. Attached hereto as Exhibit 4 is Ex. C to the Opening Brief (PALM-002033279).

17 7. Attached hereto as Exhibit 5 is Ex. D to the Opening Brief (PALM-002033773).

18 8. Attached hereto as Exhibit 6 is Ex. E to the Opening Brief (PALM-002033748).

19 9. Attached hereto as Exhibit 7 is Ex. L to the Opening Brief (PALM-002033644).

20 10. Attached hereto as Exhibit 8 is Ex. J to the Opening Brief in redacted form.

21 11. Attached hereto as Exhibit 9 is Ex. J to the Opening Brief in unredacted form.

22 5. The highlighted portions of the Opening Brief reflect contents of documents designated
23 "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" by Facebook under the Protective Order.

24 6. The attached documents were designated "CONFIDENTIAL" or "HIGHLY
25 CONFIDENTIAL" by Facebook under the Protective Order, with the exception of Exhibits 8 and 9
26 (Ex. J to the Opening Brief), which Plaintiffs have redacted out of an abundance of caution.

27 6. Plaintiffs' request is limited to documents produced by Facebook marked
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1 CONFIDENTIAL or HIGHLY CONFIDENTIAL, or information directly reflecting documents
2 produced by Facebook marked CONFIDENTIAL or HIGHLY CONFIDENTIAL. This request is thus
3 narrowly tailored to seek sealing only of sealable material.

4 I declare under penalty of perjury under the laws of the United States that the foregoing is true
5 and correct.

6 Executed on November 8, 2021 in Pasadena, California.

7 s/ Brian J. Dunne
8 BRIAN J. DUNNE
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